

BOARD OF REGISTRATION IN PHARMACY MEETING MINUTES

July 17, 2012
239 Causeway Street
Boston, Massachusetts

Board Members Present Karen Ryle, RPh, MS; Sophia Pasedis, RPh, PharmD; James T. DeVita, RPh; George Cayer, RPh; Anita Young, RPh, EdD

Board Members Absent Steven Budish; Stanley Walczyk, RPh; Kathy Fabiszewski, NP, PhD; Donald Accetta, MD, MPH; Joanne Trifone, RPh

Staff Present James D. Coffey, RPh, Director; Margaret Cittadino, MEd, Associate Director; Susan Manning, Board Counsel; Leo McKenna, RPh, PharmD, Quality Assurance (QA) Coordinator; Samuel J. Penta, RPh, Supervising Investigator; Cheryl Lathum RPh, PharmD, Investigator; James Emery, Pharmacy Technician, Investigator; Alexandra Tapalla, Northeastern University School of Pharmacy Extern

1. 8:45 a.m. **CALL TO ORDER**
President James T. DeVita, RPh
2. 8:45 a.m. **REPORT OF OFFICE OF INVESTIGATIONS**
File Review - Investigators Penta, Emery and Lathum

1	SA-INV-2676 Edward Sheehan PH21841	Motion Cayer/DeVita to Dismiss – No Violation Approved
2	PHA- 2011-0328 Walgreens 7189 DS3261 PHA-2012-0028 Maureen Folkes PH22783 PHA-2012-0029 Iris Vega PT5902	Motion DeVita/Ryle to Dismiss – No Violation Approved Motion Cayer/Young to Dismiss with Advisory Letter and 6 continuing education (CE) credits (3 live CEs in medication error prevention and 3 CEs in antibiotics if available) Approved Motion Cayer/Young to Dismiss with Advisory Letter and 3 CEs in medication error prevention Approved
3	PHA-2011-0198 Oscos 7495 DS3298 PHA-2011-0329 Oscos 7495 DS3298	Motion Cayer/Ryle (both DS) for Consent Agreement with 3 year Probation period; and Board Self- Inspection; re-inspection Approved

	<p>PHA-2012-0112 Kathryn Groves Van Besien PH27095</p> <p>SA-INV-2549 PHA-2012-0155 Aleksey Grokhotov PH233176</p> <p>9:45 a.m. Pasedis arrives to meeting</p>	<p>Motion Young/Cayer for Consent Agreement with 3 year Probation period and MPJE and no MOR for 3 years Recused: DeVita Approved</p> <p>Motion DeVita/Cayer to Dismiss with Advisory Letter and Board Self-Inspection Approved Abstain Pasedis Osco matters above</p>
4	<p>PHA- 2011-0180 Hopkinton Drug DS8191</p> <p>PHA-2012-0085 David C. Beck PH17515</p> <p>PHA-2012-0156 Dennis S. Katz Current MOR/Owner PH17067</p>	<p>Motion Ryle/Cayer for Consent Agreement for Reprimand and Board Self-Inspection; re-inspection. Opposed: Pasedis Approved</p> <p>Motion Ryle/Cayer for Consent Agreement for Reprimand and 2 CEs in medication error prevention Approved</p> <p>Motion Ryle/Cayer to open complaint</p>
5	<p>PHA-2012-0042 Rite-Aid Pharmacy DS3249</p> <p>PHA-2012-0096 Peter Ngigi PH25324</p> <p>PHA-2012-0094 Malina Say PT0652</p>	<p>Motion Young/Cayer to Dismiss – No Violation.</p> <p>Motion Cayer/Young to Dismiss with Advisory Letter and 2 CEs in medication error.</p> <p>Motion Cayer/Pasedis to Dismiss with Advisory Letter and 2 CEs in medication error prevention</p>
6	<p>PHA-2012-0166 CVS/pharmacy 365 DS3452</p> <p>PHA-2011-0078 PHA-2011-0077 Siu Ching Lee PH 25809</p>	<p>Recused DeVita on all CVS below (not present for discussion or vote) Motion Young/Pasedis to Dismiss- No Violation Approved</p> <p>Motion Young/Pasedis to Dismiss PHA-2011-0078 – No Violation Approved</p> <p>Motion Young/Pasedis to Dismiss PHA-2011-0077 with Advisory Letter with CE deficiency terms Approved</p>

5	<p>PHA-2011-0310 CVS/pharmacy 365 DS3452</p> <p>PHA-2012-0068 Linda Roope PH19222</p> <p>PHA-2011-0069 Jonathan Dauphinais PT12870</p>	<p>Recused DeVita on all CVS matters below (not present for discussion or vote)</p> <p>Motion Cayer/Pasedis to Dismiss with Advisory Letter Approved</p> <p>Motion Cayer/Pasedis to Dismiss with Advisory Letter and 2 CE's in medication error prevention Approved</p> <p>Motion Cayer/Pasedis to Dismiss with Advisory Letter and 2 CE's in medication error prevention Approved</p>
6	<p>PHA-2011-0308 CVS/pharmacy 209 DS3597</p> <p>PHA-2012-0102 Nicole Corrao PT651</p> <p>PHA-2012-0113 Virginia Perron PH22917</p>	<p>Recused DeVita on all CVS matters below (not present for discussion or vote)</p> <p>Motion Cayer/Young to Dismiss – No Violation Approved</p> <p>Motion Cayer/Pasedis to Dismiss with Advisory Letter and 2 CE's in pediatric dosing. Approved</p> <p>Motion Cayer/Young for Consent Agreement for Reprimand and 6 CE's (3 pediatric dosing and 3 medication error prevention) Approved</p>

3. 11:00 a.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Counsel Updates and Discussion

Matters of:

Scott Woodman (PT9586) - Docket No. PHA-2012-0117

Susan Anhorn (PT 11787) - Docket No. PHA-2012-0121

Board issued *Final Order of Summary Suspension* on July 17, 2012 in each matter after no hearing request filed; matters to be referred to the Office of Public Protection for initiation of adjudicatory proceedings.

Linda Mills, R.Ph. (PH20660) – Docket No. PHA-2011-0124

PHA-2012-0003

Board reviewed Licensee's July 9, 2012 letter; declined to schedule conference.

**Azee Pharmacy and Medical Solutions LLC (DS89791) and Perrotta's Super Drug (DS1200), both located in Lawrence – Docket Nos. SA-INV-2644
PHA-2012-0093**

Board advised that Centers for Medicare & Medicaid (CMS) informed Board Counsel that a CMS certified home health care certified agency may own a pharmacy (Nizhoni Health Systems LLC/CMS Provider No. 227485 is affiliated with Azee); however, CMS certified home health care agency patients may not be **required** to utilize services of pharmacy owned by entity affiliated with agency.

Motion Cayer/Young to Dismiss Without Prejudice with review of any patient complaint filed alleging home health care agency requirement to transfer prescription, with referral to CMS if appropriate, and notice to both pharmacies regarding transfer at patient request (247 CMR 9.02)

Approved

Royal Palm Specialty Pharmacy (DS89765) – Docket No. PHA-2011-0309

Board counsel and Dir. Coffey reviewed complaint file and July 10, 2012 vote regarding compounding activity, including inspection observations (December 2011 and April 2012) and reported corrective actions after April 2012 inspection.

Motion Cayer/Ryle to revise July 10, 2012 Board action to propose Consent Agreement with probationary terms.

Approved

Board reviewed individual files related to **Royal Palm Specialty Pharmacy** (Docket No. PHA-2011-0309)

Karen A. Blakely (PH21868) – Docket No. PHA-2012-0004
(Filling/verifying pharmacist/current MOR)

Motion Cayer/Ryle for Consent Agreement for Reprimand and 2 CEs in medication error prevention.

Approved

Mark J. Rubin (PH233459) – Docket No. PHA-2012-0005
(Filling/verifying pharmacist consulted and assisted Blakeley via telephone and computer in the compounding of the prescription)

Motion Pasedis/Ryle for Consent Agreement for Reprimand and 2 CEs in medication error prevention

Approved

Agnes S. Rubin (PH25022) – Docket No. PHA-2012-0006
(MOR at time of prescription fill and detection of error)

Motion Young/Cayer for Consent Agreement for Censure and 2 CEs in law.

Approved


Joanne Blain (PT315) - Docket No. PHA-2012-0060
Angel Figueroa (PT13937) - Docket No. PHA-2012-0061
Gina M. Franconeri (PT1568) - Docket No. PHA-2012-0065

**Motion DeVita/Cayer to Dismiss pharmacy technician complaints – no violation
Approved**

4. 1:00 p.m. ADJOURNMENT

Respectfully submitted by:

Board approved: August 7, 2012


James D. Coffey
Director